

Lawsuit to stop 9-story building in South Side Bethlehem tossed

Lynn Olanoff | For lehighvalleylive.com

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A Northampton County judge has dismissed a lawsuit holding up construction of a new 9-story building in South **Bethlehem**.

Judge Jennifer Sletvold on Tuesday ruled the South Bethlehem Historical Society doesn't have standing to object to developer **Dennis Benner's proposed building at Fourth and Vine streets**.

The society's office is not within the protected historical district where the building is proposed and its objections are more about opposition to the new building's modern design than historic preservation, Sletvold wrote.

"Importantly, this is not a case where the historical society is seeking to preserve the historical integrity of the current buildings," she wrote. "Here, the historical society is not interested in preserving the past, it is opposed to the modern design of the proposed office building."

The historical society's objections are not over the demolition of the two buildings to allow for the new 9-story building, and Sletvold opines that those two buildings at 24-30 W. Fourth St. do not have historical significance.

Even if the historical society were objecting over the loss of those two buildings, Sletvold said the organization still would not have standing.

"Organizations are not granted standing whenever the mission of the organization is implicated," she wrote. **The South Bethlehem Historical Society and four of its members in December filed a lawsuit** against Bethlehem and Bethlehem City Council over the city's issuance of a certificate of appropriateness for construction of the 9-story building within the South Bethlehem Historic Conservation District. The society argued city council failed to consider the building's height and scale in approving the certificate, which violates Bethlehem's Historic Conservation District Ordinance.

Society President Stephen Barron Jr. said the society board would vote soon to decide if it will appeal. Even if it doesn't appeal, Barron said he expects the city zoning hearing board may not allow such a tall building on the corner.

"I'm proud of the society and while I'm disappointed with this decision, we did the right thing and stood on our principles," he said. "If we don't appeal, we will continue to be vigilant and continue to protect history and we may pick our fights more selectively."

The society's lawsuit already has led to the city staffing a stenographer at historic district board meetings and city council is in line to have more members opposed to out-of-scale buildings in the district, Barron said.

"I think the South Side is going to have great representation on city council," he said.

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